

STATE OF ILLINOIS



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ILLINOIS COMMERCE COMMISSION TRANSPORTATION DIVISION / RAIL SAFETY SECTION

Michael E. Stead

Rail Safety Program Administrator

July 17, 2001

The Burlington Northern and Santa Fe Railway Company,
Petitioner,

v.

Tamalco Township, Bond County Illinois Pleasant Mound Township Bond
County, Illinois; Bond County, Illinois; and, State of Illinois, Department of
Transportation,
Respondents.

Petition seeking a determination from the Illinois Commerce Commission
whether the warning devices at the public grade crossing located at the tracks
of The Burlington Northern and Santa Fe Railway Company ("BNSF") and TR
247 (Main Street) in Tamalco Township, Bond County, Illinois, Milepost 102.33,
DOT No. 069316E should be upgraded to automatic flashing light signals with
gates and constant warning time circuitry; whether the public grade crossing
located at the intersection of the tracks of BNSF and Township Road TR 238 in
Tamalco Township, Bond County, Illinois, Milepost 102.21, DOT No. 069318T
should be closed; and, a connecting road constructed on the east side of the
tracks and right-of-way of BNSF between Township Road TR 247 (Main Street)
and TR 238, with any such cost be borne by the parties in accordance with law
and that a substantial portion of the cost to be borne by the Grade Crossing
Protection Fund.

T01-0028

And

Petition seeking a determination from the Illinois Commerce Commission
whether the warning devices at the public grade crossing located at the tracks
of BNSF and Township Road TR 199 in Tamalco Township, Bond County,
Milepost 98.65, DOT No. 069156T should be upgraded to automatic flashing
light signals and gates with constant warning time circuitry; the public grade
crossing located at the intersection of Township Road TR 232 in Tamalco
Township, Bond County, Illinois, Milepost 98.59, DOT No. 069160H should be
closed; a connecting road constructed on the east side of the tracks and right-
of-way of BNSF connecting Township Road TR 199, Township Road TR 326
(Second Street) and TR 232a; whether the warning devices at the grade
crossing located at the intersection of TR 326 (Second Street) and the tracks of
BNSF, Milepost 98.31 should be upgraded to automatic flashing light signals
and gates; the public at grade crossing at the intersection of Township Road
TR 232a and the tracks of BNSF, Milepost 98.23, DOT No. 069158G should be
closed; and, a connecting road west of BNSF's track and right-of-way
extending High Street to the north to Township Road TR 232a, with any such
costs to be borne by the parties in accordance with law and that a substantial
portion of any such costs be borne by the Grade Crossing Protection Fund.

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ILLINOIS COMMERCE COMMISSION
TRANSPORTATION DOCKET

CASE NO. T01-0028

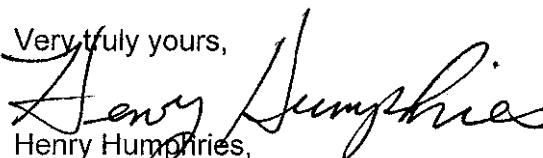
Mr. James Slifer, Director Division of Highways Illinois Department of Transportation 2300 South Dirksen Parkway Springfield, IL 62764	Burlington Northern and Santa Fe Railway Company CT Corporation System 208 S. LaSalle Street Chicago, IL 60604
Mr. W. Douglas Werner Burlington Northern and Santa Fe Railway Company P.O. Box 961039 Fort Worth, TX 76161-0039	Mr. William Albert Road Commissioner Pleasant Mound Township RR 1, Box 105 Smithboro, IL 62284
Mr. Larry Edwards Road Commissioner Tamalco Township RR 1, Box 143 Keyesport, IL 62253	Mr. Raymond Hauschild Bond County Highway Engineer RR 4, Box 6A Greenville, IL 62246
Ms. Cheryl Townlian Burlington Northern and Santa Fe Railway Company 2650 Lou Menk Drive Fort Worth, TX 76131-2830	Mr. Michael L. Sazdanoff Attorney Kenneth J. Wysoglad & Associates 118 S. Clinton St., Ste. 700 Chicago, IL 60661
Mr. Russell Metzger 1647 Hookdale Avenue Keyesport, IL 62253	

BRIEF ON EXCEPTIONS

Staff received the Proposed Order in the above matter on July 17, 2001. Staff fully agrees with the Proposed Order as drafted, with the following exception.

Page 8 -Second Ordering paragraph should be changed to read as follows:

IT IS FURTHER ORDERED that the County be and it is hereby required and directed to construct connecting roads between TR-247 to TR-238, TR-199 to TR-232 and TR-232A to TR-326, and Tamalco Township in Bond County shall thereafter maintain said roadways.

Very truly yours,

Henry Humphries,
Railroad Safety Specialist

CC: Bob Lane, ICC Gov. Affairs